REMARKS

Claims 1, 2, and 4-19 are pending. Claims 1, 2, and 4-6 have been amended, claim 3 has been canceled, and new claims 12-19 have been added to recite additional features of the invention. Also, the specification has been amended to include a cross-referencing paragraph.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, the Examiner issued a double-patenting rejection of claims 1-11 based on U.S. Patent Application Serial No. 10/699,681. Applicants have submitted with this paper a Terminal Disclaimer to overcome the double-patenting rejection.

Claims 1-11 were rejected under 35 USC § 102(e) for being anticipated by the Eraslan patent. This rejection is respectfully traversed for the following reasons.

Claim 1 covers a method for developing a database of elements that define different parts of a digital facial image. The manner in which these elements are formed for storage in the database and then combined to form the image represents a substantial improvement in the art.

In particular, claim 1 has been amended to recite that each of the elements has at least one element code based on (a) a symbol representative of a facial feature, the symbol having one of a plurality of values indicative of variations of the facial feature, and (b) a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature. Claim 1 further recites that different combinations of the element codes form corresponding facial codes representing different facial images. (See, for example, pages 10-14 for support). These features in (b) are not disclosed by the Eraslan patent.

The Eraslan patent discloses a method for generating a composite code which defines a digital representation of a face. The composite code is formed from separate codes, each representing a different facial feature. More specifically, each code is formed from two numbers, i and j. Number "i" represents a facial feature part and number "j" represents a shape of the facial feature part identified by number i. (See column 13, lines 37-51 and column 14, lines 14-47).

An example of such a code is shown in Figure 26. Here, number "i" is assigned a value of 64 to represent, for example, the facial feature part of a person's eyes. Number "j" is assigned a value of 84 to represent the shape of the person's eyes. The Eraslan patent, however, does not teach or suggest "a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature" as recited in claim 1. Eraslan also fails to teach or suggest determining a facial image code from a combination of element codes, each based on a first code factor as recited in claim 1.

Because the Eraslan patent does not disclose all the features of claim 1, it is respectfully submitted that Eraslan cannot anticipate this claim. Applicants further submit that these differences are sufficient to render claim 1 and its dependent claims non-obvious and thus patentable over Eraslan.

Claim 9 recites a computer software product that includes a medium readable by a processor. The medium stores "qualifier information of a plurality of <u>spatial relationships</u>

between said plurality of elements. (Emphasis added). These features are not disclosed by the Eraslan patent.

The Eraslan patent discloses providing codes for different facial features in an image. Each code includes a number "i" representing the facial feature and a number "j" representing a shape of the facial feature. See column 13, lines 39-41, which provides: The "j" number 1402 corresponds to a particular shape of a general facial feature part. However, neither number (i or j) indicates a "spatial relationship between" the different facial feature parts which the Examiner has alleged are represented by composite codes 3405. Instead, Eraslan discloses that the facial feature parts represented by i and j are mapped onto predetermined positions on a 3-D image of a person's face, using a fiducial point template. (See column 13, lines 56-67).

Without a teaching or suggestion of qualifier information that designates a plurality of spatial relationships between said plurality of elements, it follows that the Eraslan system also does not execute "a sequence of instructions which . . . causes said processor to connect at least one element to at least one spatial relationship, wherein said sequence of instructions includes, as an attribute, combining at least other element with at least one other spatial relationship with said at least one element and at least one spatial relationship" as further recited in claim 9.

Claim 11 recites "displaying elements linked with a selected spatial relationship in sequence according to the user's selection using the link information, if an element is selected for browsing; and displaying spatial relationships which describe elements linked with a selected spatial relationship in sequence according to the user's selection using the link information."

(Emphasis added). The Eraslan patent does not disclose these features. It is respectfully submitted that claim 11 is allowable based on these differences.

Claims 1-4, 9, and 10 were rejected under 35 USC § 102(b) for being anticipated by the Yoshino patent. The Yoshino patent discloses forming a facial image from a combination of images, each representing a part of the face. Yoshino further discloses assigning numbers to each image part.

However, Yoshino does not disclose the features added by amendment to claim 1, including an element code based on (a) a symbol representative of a facial feature, the symbol having one of a plurality of values indicative of variations of the facial feature, and (b) a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature. Yoshino also fails to disclose that different combinations of these element codes form corresponding facial codes representing different facial images.

Applicants respectfully submit that these differences are sufficient to patentably distinguish claim 1 and its dependent claims from the Yoshino patent.

Claim 9 recites storing "qualifier information of a plurality of spatial relationships between said plurality of elements." The Yoshino patent does not disclose these features, i.e., Yoshino discloses assigning a number to each facial image part and then combining selected facial image parts. However, Yoshino does not disclose storing qualifier information of a plurality of spatial relationships between a plurality of elements as recited in claim 9.

Yoshino also fails to disclose executing "a sequence of instructions which ... causes said processor to connect at least one element to at least one spatial relationship, wherein said sequence of instructions includes, as an attribute, combining at least other element with at least one other spatial relationship with said at least one element and at least one spatial relationship" as further recited in claim 9.

New claims 12-19 have been added to the application. Each of these claims recites features which are not taught or suggested by the Eraslan and Yoshino patents, whether taken alone or in combination. Accordingly, it is submitted that these new claims are allowable, not only by virtue of the features recited in their base claims but also for the features separately recited therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and
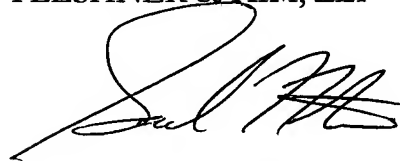
please credit any excess fees to such deposit account.

Respectfully submitted,

FLESHNER & KIM, LLP

Rene A. Vazquez, Esq.
Registration No. 38,647

Samuel W. Ntiros, Esq.
Registration No. 39,318

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 RAV/SWN/lm
Date: **MAY 2, 2006**

Please direct all correspondence to Customer Number 34610